

REMARKS

Claims 1 and 3 - 14 remain active in this application. Claims 2 and 15 have been canceled and salient features thereof recited in claim 1. Claims 1 and 6 have been amended and dependency of claims 3 and 5 have been altered accordingly. Support for the amendments of the claims is found throughout the application, particularly in Figures 1, 2, 4 and 5 and the description thereof on pages 10 - 12 of the original specification. No new matter has been introduced into the application.

Claims 1 - 4, 6 - 8 and 15 have been rejected under 35 U.S.C. §103 as being unpatentable over Meier in view of Flach et al. Claim 5 has been rejected under 35 U.S.C. §103 as being unpatentable over the combination of Meier and Flach et al. in view of Welles, II, et al. Claims 9 - 10 and 13 - 14 have been rejected under 35 U.S.C. §103 as being unpatentable over the combination of Meier and Flach et al. in view of Stewart. Claim 11 has been rejected under 35 U.S.C. §103 as being unpatentable over the combination of Meier, Flach et al. and Stewart in view of Ralieggh et al. Claim 12 has been rejected under 35 U.S.C. §103 as being s being unpatentable over the combination of Meier, Flach et al. and Stewart in view of Gamlyn et al. All of these grounds of rejection are respectfully traversed for the reasons of record and particularly as being moot in view of the amendments made above.

As previously pointed out, the invention is directed to a transponder and a computer network system which allows the computer network system to be leveraged in a relatively simple and economical manner to provide detection and location reporting functions in much the

same manner as known RFID systems while achieving unexpected meritorious effects such as enhanced reporting functions (e.g. condition of devices made visible to the system), overcoming the "closed" nature of RFID systems to allow simple expansion by expansion of the "open" computer network and improved location determination. These meritorious effects are achieved by providing transponders which may be much in the nature of RFID transponders but which are capable of communication with the network through standard wireless access points using standard network protocols and providing geographic location reporting in the network which is available on (e.g. resident on or downloadable to) client terminals of the network.

In this regard, it should be recognized that computer networks including wireless links provide for and manage wireless access point/wireless device associations in order to communicate with various wireless devices in a straightforward and systematic manner but that these association, in a computer network, are desirably transparent to the user (as noted, for example, at column 3, lines 31 - 32 of Meier, the primary reference applied by the Examiner) and are not reported. This existing information is leveraged by the system in accordance with the invention through provision of a geographic information system for reporting this information which is normally used only internally in the network.

Further, wireless access points will usually communicate, in known network systems, to monitor communication links for conditions such as signal strength in order to provide optimally reliable wireless communication links and allow communications with a wireless device to be switched between access points.

However, the use of such information in known systems is generally limited to maintaining quality of communications and not to resolving actual locations of wireless devices as is provided by the present invention, as claimed.

Moreover, the leveraging of information and functions already present in computer networks supporting wireless links can be most efficiently supported by the simple expedient of providing for transponders to communicate with the network over the wireless links using standard wireless network protocols. Doing so thus allows the existing information in the computer network to be leveraged to provide the above-noted meritorious effects with no modification of the computer network other than providing for reporting of information existing therein.

As previously pointed out, the principal reference to Meier does not address these issues which are the basic concepts exploited by the invention, provide a solution to needs for location reporting through existing infrastructure or lead to an expectation of success in achieving the meritorious effects of the invention, much less through achievement of leveraging existing network infrastructure to achieve such functions in a simple and economical manner. It is clear from column 3, lines 39 - 45, that Meier separately provides for both IP (internet protocol - see column 1, line 53) and non-IP nodes. Therefore, while Meier mentions at column 8, lines 27 - 30) that a "mobile IP terminal" may be an "RF TAG" does not necessarily disclose or even imply that the transponder transmits using a standard internet protocol (particularly since the open wireless local area network, OWL, of Meir appears to involve a particular architecture and signaling technique which accommodates both IP and

non-IP communications). Further, the Examiner admits that Meier contains no teaching or suggestion for using a standard network protocol for communication from (or to) a transponder and the Examiner explicitly relies upon Flach et al. in regard to this admitted deficiency of Meier.

As previously and repeatedly pointed out, Flach et al. uses a separate system of "V-cells" for position locating and reporting and then concentrates (e.g. at concentrator 112) and merges the data obtained therefrom into the network system. This approach is merely an addition to a network system and does not address even the concept of using standard network protocols to communicate between transponders and network access points, much less leveraging information for which the network, itself, provides the infrastructure, to achieve position and other enhanced reporting functions. Since the basic concept of the invention is not taught, suggested or shown to be within the purview of ordinary skill in the art, the combination of Meier and Flach et al. is clearly seen to be an attempted hindsight reconstruction of the invention (e.g. since providing some basic functions of the invention in accordance with the teachings and suggestions of the references would be far more costly, complex and cumbersome and would not yield all of the other functional advantages of the invention) while failing to directly answer numerous claim recitations as previously pointed out. Thus, the basic combination of Meier and Flach et al. do not teach or suggest the claimed subject matter or provide evidence of a level of ordinary skill in the art which would support a conclusion of obviousness in regard to any claim in the application, as discussed in remarks previously presented and no *prima facie* demonstration of

obviousness of the subject matter of the claims as currently rejected has been or can be made based on the combination of Meier and Flach et al. Clearly, no *prima facie* demonstration of obviousness of any claim as currently amended can be made.

Specifically, in regard to the amended claims, there is no teaching or suggestion in Meier or Flach et al. in regard to storing data in a transponder which corresponds to a device with which the transponder is associated, as recited in claim 1, or any teaching or suggestion of resolving position location based on signals communicating between transponders and access points of the network or inclusion of a geographic information system in the network for reporting internal access point/wireless device associations maintained by the network as now recited in claim 6. Moreover, in answer to previously submitted remarks, the Examiner has dismissed previous amendatory language as being merely functional. While this characterization is believed to be clearly in error and unwarranted, particularly in view of the recitations of recitations of two distinct means for associating the transponder with a device and with network access points, respectively, in claim 1 and the recitation of transmitting data corresponding to a transponder in claim 6; in regard to which the amendatory language is clearly seen to be a recitation of the cooperation of elements otherwise claimed, especially in view of the recitation that "a wireless access point/wireless device association *for said transponder*" (claims 1 and 6, emphasis added, i.e. to form an association similar to those provided by the network for a transponder as well as other network devices communicating with the network through standard wireless links, as in known networks), the previous amendatory

language has been re-cast to be clearly definition of structure of a combination of elements and thus clearly may not properly be summarily dismissed.

Thus it is seen that the combination of Meier and Flach et al. is clearly deficient in regard to a number of features of the present invention as well as their combination and that no *prima facie* demonstration of obviousness can be made based on Meier and Flach et al. Moreover, these deficiencies in regard to the basic invention are clearly not mitigated by the additional secondary references (Welles, II, et al., Stewart, Gamlyn et al. and/or Ralieggh et al.) applied by the Examiner and the Examiner has not asserted that they are. Further, it was previously pointed out that Meier and Flach et al. are not properly combinable in the manner proposed by the Examiner under the precedent of *In re Gordon*, 221 USPQ 1125 (Fed. Circ., 1984) and that Meier and Flach et al. teach away from the claimed subject matter; to which the Examiner has not responded.

Accordingly, it is again respectfully submitted that the current grounds of rejection are all clearly in error and untenable, particularly in regard to the claims as now amended. The reference relied upon by the Examiner, even if, *arguendo*, properly combinable in the manner proposed, do not answer the subject matter of the claims or provide evidence of a level of ordinary skill in the art which would support the conclusion of obviousness which the Examiner has asserted. The references relied upon do not suggest but, rather, teach away from the basic concept of providing for transponders to communicate with the network in the same manner and using the same protocol as other network devices such that similar associations are created for the transponders and so that data representing those associations can be

reported through the network; leveraging network infrastructure to provide additional network functions with no network modifications other than providing a geographical information system for reporting data otherwise intended to be transparent to the user. The invention is also clearly seen to be counter-intuitive in at the present state of the art for that reason, as well. Therefore, reconsideration and withdrawal of the current grounds of rejection are respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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